

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JANE DOE A.F.,

Plaintiff,

v.

LYFT, INC., et al.,

Defendants.

CIVIL ACTION

NO. 23-3990-KSM

ORDER

AND NOW, this 19th day of July 2024, upon consideration of Defendant Lyft, Inc.’s Motion to Dismiss (Doc. No. 20) and responses thereto (Doc. No. 25, 29), following oral argument and for the reasons set forth in the accompanying memorandum, it is hereby **ORDERED** that the Motion is **GRANTED** as follows:¹

1. Plaintiff’s claims for negligent supervision (part of Count III), negligent performance of undertaking to render services (Count IV), and request for punitive damages are **DISMISSED WITHOUT PREJUDICE** as to Defendant Lyft.

2. Plaintiff’s negligent misrepresentation claim (Count VII) is **DISMISSED WITH PREJUDICE**, except as to the following statements, for which the claim is **DISMISSED WITHOUT PREJUDICE**:

- “Our proactive safety measures are always on.”
- “[A]ny time day or night, we offer real help from real humans.”

¹ At oral argument, Lyft withdrew its motion to dismiss as to Plaintiff’s claim for negligence and gross negligence (Count I). (Apr. 16, 2024 Hr’g Tr. at 3:7–21.) Therefore, Plaintiff may proceed on this claim as pled. Moreover, at oral argument Plaintiff withdrew her claims for vicarious liability (Count II), negligent hiring, and negligent training (part of Count III). (*Id.* at 21:5–9, 43:18–24.) These claims are therefore dismissed with prejudice.

3. If Plaintiff seeks to file a second amended complaint in this matter, she shall do so no later than **Friday, August 2, 2024.**

IT IS SO ORDERED.

/s/ Karen Spencer Marston
KAREN SPENCER MARSTON, J.